

BRIAN J. STRETCH (CABN 163973)
United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

MATTHEW L. McCARTHY (CABN 217871)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-6753
Matthew.McCarthy@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 14-0315 CRB
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	REGARDING DEFENSE TESTING OF
v.)	CONTROLLED SUBSTANCE AND CHAIN OF
)	CUSTODY
COLIN BALDRIDGE)	
)	
Defendants.)	
)	
)	
)	

1 Based upon the stipulation of the parties, and pursuant to Federal Rule of Criminal Procedure
2 16(a)(1)(E), the Court ORDERS as follows:

3 The Government shall allow the defense: (1) to independently inspect drug Exhibit 401 as reported in
4 Drug Enforcement Administration (DEA) Laboratory Reports, Laboratory Number 7177098, dated May
5 14, 2013 and May 15, 2013; (2) to collect and analyze a representative sample from the above-listed
6 exhibit to determine its weight, nature, and strength or purity; and (3) to inspect and analyze the
7 composite representative samples (if any) previously collected and analyzed by the DEA to determine
8 their weight, nature, and strength or purity, to the extent that said samples have not been consumed
9 during testing; and

10 IT IS FURTHER ORDERED that a DEA Special Agent or Task Force Officer shall deliver the
11 drug exhibit and DEA composite representative samples (if any) identified above to Jirair Gevorkyan or
12 Bill Posey, of Central Valley Toxicology, DEA License No. RC0112095, located at 1580 Tollhouse Rd,
13 Clovis, Ca 93611, California. The DEA Western Laboratory shall arrange the delivery of said exhibit
14 and composite representative samples (if any) no later than thirty days after this Order is signed to the
15 DEA Special Agent or Task Force Officer for delivery to Jirair Gevorkyan or Bill Posey of Central
16 Valley Toxicology; and

17 IT IS FURTHER ORDERED that upon delivery of the exhibit identified above to the defense
18 expert, that a DEA Special Agent or Task Force Officer shall be present when the defense expert
19 inspects, weighs, and removes a representative sample from the exhibit for analysis. The representative
20 sample shall be in the amount of 250 mg of the above-described exhibit. The weight of the
21 representative sample taken shall be documented and signed by the defense expert and provided to the
22 DEA Special Agent or Task Force Officer in attendance. Upon the completion of the sample removal
23 and weighing, the defense expert shall forthwith return the remaining exhibit to the DEA Agent or Task
24 Force Officer in attendance; and

25 IT IS FURTHER ORDERED that the defense expert shall conduct the qualitative and
26 quantitative analysis and identification ordered herein, and shall provide the Government with an
27 Unsworn Declaration Under Penalty of Perjury, under 28 U.S.C. § 1746, executed by the individual who
28

1 conducted the analysis, or the head of the facility where the analysis occurred, which states the quantity
2 of the exhibit consumed during testing, and either the weight of the exhibit returned to the Government,
3 or a statement that all of the sample was consumed during testing; and

4 IT IS FURTHER ORDERED that all remaining material of the sample, after testing, is to be
5 returned by Jirair Gevorkyan or Bill Posey of Central Valley Toxicology to the Drug Enforcement
6 Administration, Western Regional Laboratory, via registered U.S. mail, return receipt requested, or
7 approved commercial carrier, within five (5) business days after the completion of analysis; and

8 IT IS FURTHER ORDERED, in accordance with Federal Rule of Criminal Procedure
9 16(b)(1)(B), that the defendants shall promptly provide the Government with a copy of the results or
10 report of the physical examinations and scientific tests or experiments which resulted from the analysis
11 conducted under this Order in the event that the defendant intends to use the results or report in the
12 defendant's case-in-chief at trial or in sentencing; and

13 IT IS FURTHER ORDERED that Jirair Gevorkyan or Bill Posey of Central Valley Toxicology
14 is to safeguard the representative sample received, preserving the chain of custody in a manner to
15 faithfully protect the integrity of each exhibit received. Pursuant to the parties' stipulation, additional
16 chain of custody required for producing the suspected controlled substances for defense testing will be

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

1 established at trial by stipulation without the need for the government to call additional witnesses
2 pertaining to chain of custody.

3 **SO STIPULATED.**

4
5 Dated: April 4, 2016

BRIAN J. STRETCH
United States Attorney

6
7 /s/
8 MATTHEW L. McCARTHY
Assistant United States Attorney

9
10 Dated: April 4, 2016

11 /s/
12 J. TONY SERRA
13 Counsel for Defendant Colin Baldrige

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15 Dated: April 5, 2016

16
17 
18 CHARLES R. BREYER
19 United States District Judge